

COUNCIL ACTION FORM

SUBJECT: MINOR SUBDIVISION FINAL PLAT AND WAIVER FOR HAYNES KENTON SUBDIVISION.

BACKGROUND:

Property owner Haynes Kenton LC, requests approval of a final plat for a minor subdivision of 3.34 acres of land located at 809 E Lincoln Way in east Ames (Attachment A). The proposed plat shows the division of a 3.34 acre property into two lots of 1.54 acres and 1.80 acres (Attachment B). The current property has a gas station and small distribution business on the west half of the property. These improvements were approved for construction in 1985. A large open grass area remains on the east half of the site. The proposed subdivision would divide the parcel between the occupied area of the lot on the west and the grass lot on the east.

A Minor Subdivision process allows for filing of a Final Plat without the need of a Preliminary Plat. This is permitted when the subdivision does not require installation of public infrastructure, with certain exceptions for sidewalks and shared use paths, and when there are less than three lots created by the plat. Approval of a Minor Subdivision Final Plat requires a finding that the proposed subdivision meets all of the design and improvement standards, city's ordinances, and adopted plans per the requirements of Chapter 23 Subdivision Code of the Ames Municipal Code. Applicable approval criteria are included in Attachment D.

The site has frontage along an improved public street and does not necessitate the construction of an additional public street to serve the subdivision. Utilities are in place to serve the proposed subdivision. Sidewalk installation is required in conjunction with the subdivision. The applicant plans to install the required 5-foot sidewalk along Lincoln Way and has placed security with the city for the cost of the sidewalk required, to be completed no later than January 2019. Easements for utilities are also shown on the Final Plat.

The zoning standards applied to review of the Minor Subdivision were based upon 1985 site plan approval for a gas station. While the site is not compliant with current improvement requirements, the proposed subdivision does not alter these conditions and can be approved in that it creates a conforming lot. Any changes to the site or additional improvements to the proposed lots are required to conform to the current zoning standards of the City.

The applicant, Haynes Kenton LC is requesting a waiver to the street access standards found in the Subdivision Code under Chapter 23.403(9)(b).(See

Attachment C Letter, Attachment D Applicable Laws) The City has established street standards for subdivisions that include a limitation on how lots have access to arterial streets. The purpose of the standard is to manage traffic flow on arterial streets by limiting the number of turning movements and conflict points along a roadway. The City's Subdivision Code identifies an interest in spacing of public street intersections at a minimum of 660 foot intervals when possible and to limit newly platted lots from having access to an arterial street. However, previously platted lots with existing driveways to an arterial street may have access to a public street if they re-subdivide.

Staff's interpretation of Section 29.403(9)(b) is that it restricts new lots from having access to arterial streets and that only existing access points can be accommodated with new lots. This means that a property owner would not be precluded from subdividing, but that new lots must use existing access points.

The request for the waiver is based upon the existing conditions of the eastern Cenex driveway near the proposed lot line and the desire of the property owner to not encumber the property with a shared access easement. There are two uncovered fuel pumps located approximately 50 feet back from the driveway near the east property line. The owner expressed concern to staff about how future traffic would circulate through the area and believes that separate driveways would be more beneficial to the creation of the new Lot 2 to the east and the existing Cenex site on proposed Lot 1. **Staff has reviewed the proposal to have a direct access from Lincoln Way to the proposed Lot 2 and has found that there is a limited area located at the far east end of the property that, if the waiver is granted, could meet SUDAS standards for spacing and design.** The access point would be a minimum of 170 feet away from Sondrol Avenue and the current Cenex driveway.

ALTERNATIVES:

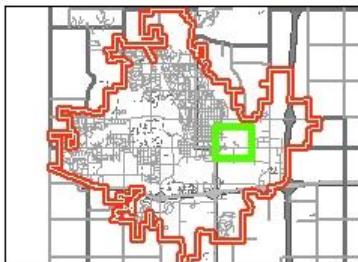
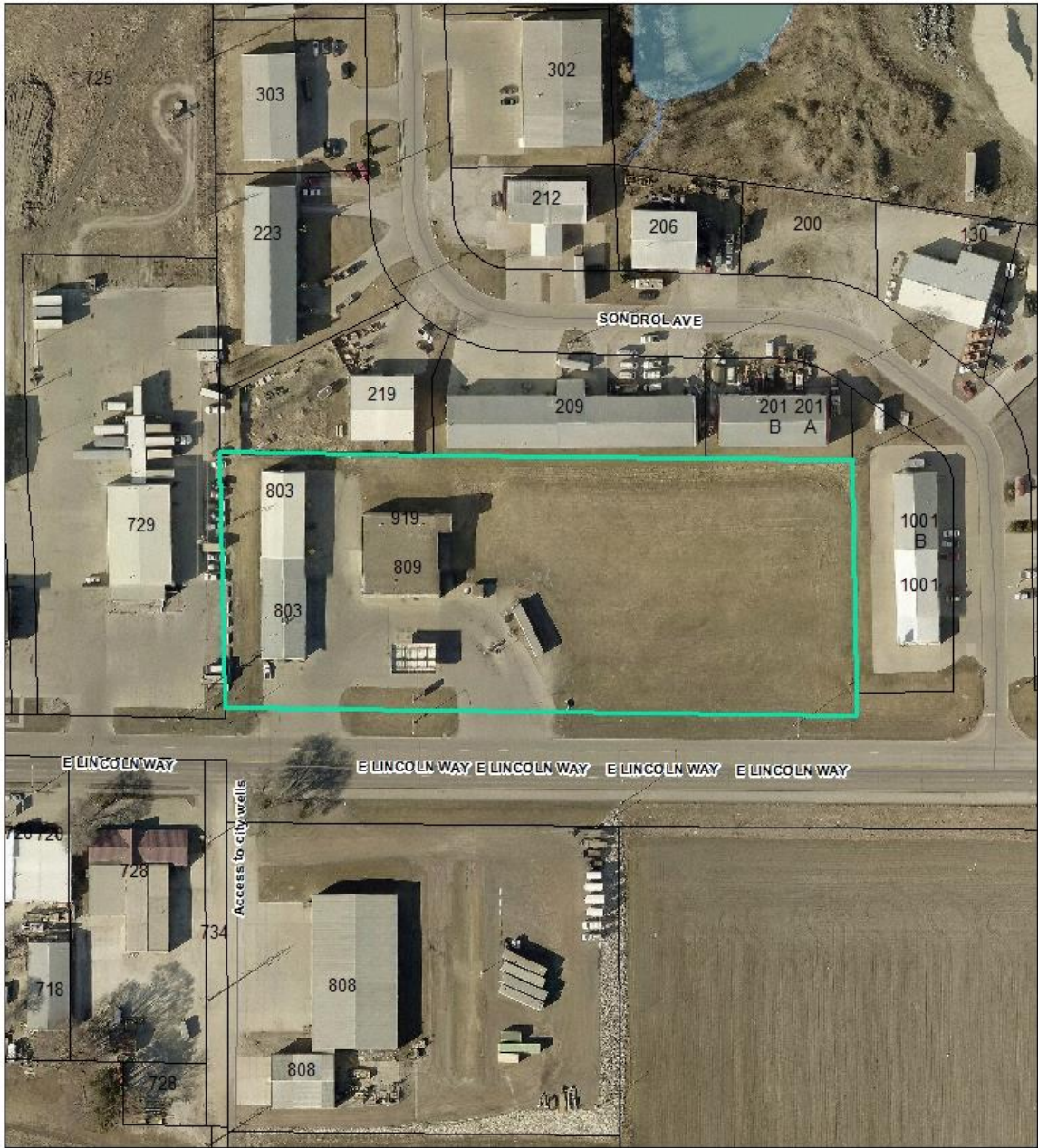
1. The City Council can grant a waiver from the Subdivision Street standard of 23.403 (9)(b) with a condition that Lot 2 with only a one driveway access to Lincoln Way that meets SUDAS spacing requirements; accept the improvement agreement for installation of a five-foot sidewalk within three years; and approve the Final Plat of Haynes Kenton Subdivision, upon findings that the Final Plat conforms to relevant and applicable design standards, ordinances, policies, and plans.
2. The City Council can deny the request for a waiver and deny the final plat for Haynes Kenton Subdivision if the Council finds that the proposed subdivision does not comply with applicable ordinances, standards or plans.
3. The City Council can delay action the final plat request for Haynes Kenton Subdivision and refer the item back to staff and the property owner for further information.

MANAGER'S RECOMMENDED ACTION:

The proposed subdivision is desired by the property owner to split off unused area of the site for sale to another party for development a commercial project. With staff's reading of the arterial street access limitations, the proposed vacant lot (Lot 2) would be required to share access upon its development with the existing lot. In this instance the applicant has requested a waiver of the arterial street access limitation, but has agreed to abide by all other SUDAS standards in creating a future direct access to Lincoln Way. Based upon the conditions of access present in this area of Lincoln Way and the ability to meet minimum SUDAS requirements, staff finds the proposal for access to be acceptable. In regards to other subdivision and zoning standards each lot meets the standards under the Ames Municipal Code.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, granting the waiver to the street access limitation to Lincoln Way, accepting the improvement agreement for sidewalks, and approving the Final Plat.

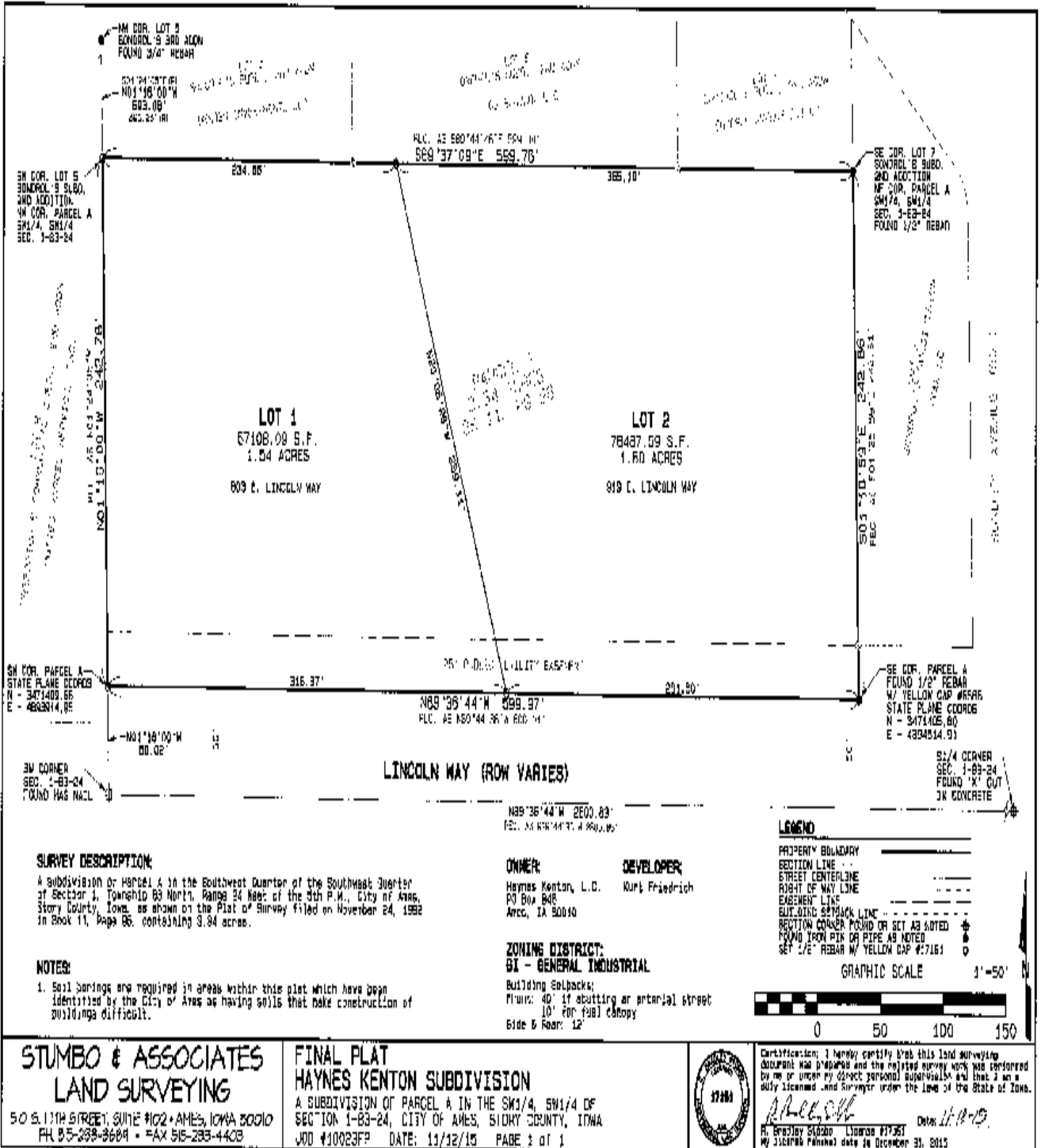
Attachment A



Haynes Kenton Subdivision
809 East Lincoln Way



Attachment B



STUMBO & ASSOCIATES
LAND SURVEYING

50 S. 11TH STREET, SUITE #102 • AMES, IOWA 50010
PH 515-283-3684 • FAX 515-283-4403

FINAL PLAT
HAYNES KENTON SUBDIVISION

A SUBDIVISION OF PARCEL A IN THE SW1/4, SW1/4 OF SECTION 1-83-24, CITY OF AMES, STORY COUNTY, IOWA
JOB #10023FP DATE: 11/12/15 PAGE 1 of 1



Certification: I hereby certify that this land surveying document was prepared and the required survey work was performed by me or under my direct personal supervision and that I am a duly licensed and registered surveyor under the laws of the State of Iowa.

R. Bradley Stumbo
R. Bradley Stumbo License #17361
My license renewed date is December 31, 2015

Date: 11/12/15

Attachment C

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From: "Kurt Friedrich Broker/Owner, CRS" <kfriedrich@friedrich-realty.com>
To: Justin Moore <jrmoore@city.ames.ia.us>
Cc: Brian Torresi <BrianTorresi@davisbrownlaw.com>

Date: Tuesday, January 19, 2016 11:02AM
Subject: Waiver request--Haynes Kenton Subdivision

Planning Staff & City Council
Attn: Justin Moore
Re: Waiver request for 809 E Lincoln Way, Subdivision

Justin;
In light of pre-existing conditions on the property, in order to complete the subdivision as planned, it is necessary to obtain a waiver related to subdivision access guidelines. As such, the Haynes-Kenton LLC (owner), formally requests approval of a waiver to Chapter 23.403 Section 9, item B, in conjunction with consideration of the Final Plat.

Thank you,

Kurt Friedrich
Owner Representative

Attachment D Applicable Laws

The laws applicable to this case file are as follows:

Code of Iowa, Chapter 354.8 states in part:

A proposed subdivision plat lying within the jurisdiction of a governing body shall be submitted to that governing body for review and approval prior to recording. Governing bodies shall apply reasonable standards and conditions in accordance with applicable statutes and ordinances for the review and approval of subdivisions. The governing body, within sixty days of application for final approval of the subdivision plat, shall determine whether the subdivision conforms to its comprehensive plan and shall give consideration to the possible burden on public improvements and to a balance of interests between the proprietor, future purchasers, and the public interest in the subdivision when reviewing the proposed subdivision and when requiring the installation of public improvements in conjunction with approval of a subdivision. The governing body shall not issue final approval of a subdivision plat unless the subdivision plat conforms to sections 354.6, 354.11, and 355.8.

Ames Municipal Code Section 23.303(3) states as follows:

(3) City Council Action on Final Plat for Minor Subdivision:

(a) All proposed subdivision plats shall be submitted to the City Council for review and approval in accordance with Section 354.8 of the Iowa Code, as amended or superseded. Upon receipt of any Final Plat forwarded to it for review and approval, the City Council shall examine the Application Form, the Final Plat, any comments, recommendations or reports examined or made by the Department of Planning and Housing, and such other information as it deems necessary or reasonable to consider.

(b) Based upon such examination, the City Council shall ascertain whether the Final Plat conforms to relevant and applicable design and improvement standards in these Regulations, to other City ordinances and standards, to the City's Land Use Policy Plan and to the City's other duly adopted plans. If the City Council determines that the proposed subdivision will require the installation or upgrade of any public improvements to provide adequate facilities and services to any lot in the proposed subdivision or to maintain adequate facilities and services to any other lot, parcel or tract, the City Council shall deny the Application for Final Plat Approval of a Minor Subdivision and require the Applicant to file a Preliminary Plat for Major Subdivision.

Section 23.103- WAIVER/MODIFICATION.

(1) Where, in the case of a particular subdivision, it can be shown that strict compliance with the requirements of the Regulations would result in extraordinary hardship to the Applicant or would prove inconsistent with the purpose of the Regulations because of unusual topography or other conditions, the City Council may modify or waive the requirements of the Regulations so that substantial justice may be done and the public interest secured provided, however, that such modification or waiver shall not have the effect of nullifying the intent and purpose of the Regulations. In no case shall any modification or waiver be more than necessary to eliminate the hardship or conform to the purpose of the Regulations. In so granting a modification or waiver, the City Council may impose such additional conditions as are necessary to secure substantially the objectives of the requirements so modified or waived.

Section 23.403- STREETS

(9) Frontage and Access:

(a) Any subdivision shall have frontage on and access from an existing street meeting applicable right-of-way standards. To the extent possible, access from a public-way to subdivisions from an arterial street shall be separated by a minimum of 660 feet.

(b) Lots created by subdivision shall not have direct access to any arterial street, except in the case where an existing platted lot had direct access to an arterial street prior to the adoption of these regulations and the owner of such lot now seeks to resubdivide. A frontage road separated from an arterial street by a planting or grass strip and having access to the arterial street at suitable points may be used as a means to provide access to lots created by subdivision.